



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,906	02/25/2004	Michael P. Williams II	0301A-000045	6745
27572	7590	10/24/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			PAPE, JOSEPH	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,906	Applicant(s) WILLIAMS ET AL.	
	Examiner Joseph D. Pape	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 27-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Ca

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the apparatus and Figures 2-5 and 11-14 in the reply filed on 7/27/05 is acknowledged. The traversal is on the ground(s) that there is no serious burden on the examiner to examine all claims. This is not found persuasive because while the claims appear to include a similar structural feature, the method of making and the numerous species are considered to be patentably distinct and potential examination of these patentably distinct aspects of the invention is a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, on line 2 a "raised element is set forth and then on line 4 a rib is set forth. It is unclear whether or not these features are the same or different features in

that only one "raised portion" or "rib" is set forth in the disclosure. In claim 1, line 4, it is unclear exactly how the rib "extends from the barrier film" in that it is integral with the barrier film. On line 7, it is not exactly clear in what manner the drawn form "extends opposite to the at least one rib". The other independent claims include similar instances of indefiniteness. Further in claim 9, lines 5 and 10, "rib" has no clear antecedent basis. In claim 18, line 4, "vehicle trim piece" has no clear antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-17 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marriott et al. in view of Puckett et al.

Marriott et al. disclose the claimed invention including barrier 20 with a second layer of polyethylene material and another layer 24 of acoustic material. The barrier includes a raised surface or rib 30 with adhesive material 26 to form a seal and a drawn form 60 which enhances formation of the seal. Re claim 5, the upper edge of the uppermost rib section 30 includes an extension in contact with member 18 of the vehicle (see Figure 1). Re claim 6, at least in the vicinity of the upper portion of the barrier the rib is "male formed" as broadly as recited in that it extends from a portion of the barrier form towards the door panel. Re claim 7, the upper portion of the rib includes an engagement surface which engages the adhesive and is supported by a pair of opposed walls. The width of the rib portions is constant in order for the walls to be deflectable outwardly prior to the engagement surface being deflected in as much as applicant's disclosed walls are so capable. Re claim 8, the rib includes a recessed cup like portion for the adhesive 26 which is considered to constitute a first elevated section and the portions of the rib closest to the door are considered to be a second elevated section above the first elevated section as broadly as recited. Re claim 26, the adhesive seal 26 is considered to be a "gasket" as broadly as recited.

Marriott et al. disclose the claimed invention except for the specific construction of the acoustic layer.

Puckett et al. disclose an acoustic vehicle door barrier 16 including an interpolymer material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the barrier of Marriott et al. to be constructed from an interpolymer material as taught by Puckett et al. as an obvious choice of a well known acoustic material which is suitable for vehicle door acoustic applications.

Re claims 14 and 15, It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the barrier of Marriott et al. of slightly larger thickness and heavier weight in order to enhance the acoustic properties of the barrier if a quieter door construction is desirable even with increased weight and cost. These factors are notoriously well known in acoustic damping applications and are variable given the requirements of a specific application of an acoustic damping material.

7. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Koa et al..

Marriott et al., as modified, disclose the claimed except for the barrier also including a plurality of apertures defining fastener attachment points.

Koa et al. disclose a barrier 35 including a plurality of attachment apertures 39 defining fastener attachment points.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier of Marriott et al., as modified, to include a

Art Unit: 3612

plurality of apertures defining fastener attachment points as taught by Koa et al. in order to enhance the attachment of the barrier to the vehicle door.

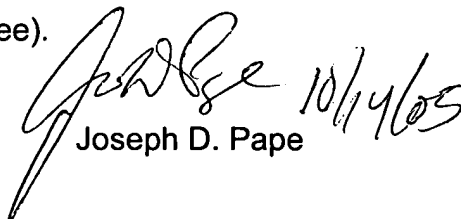
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to the claimed and/or disclosed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (571)272-6664. The examiner can normally be reached on Tuesday-Friday 6:30 AM-3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571)-272-6659.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape 10/14/05